

SIKKIM

GOVERNMENT



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GOVERNMENT OF SIKKIM
FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT
SECRETARIAT, ANNEX -I, SONAM TSHERING MARG,
GANGTOK, SIKKIM-737101

No. 1166/FCS&CA

Dated: 20 -01-2015

NOTIFICATION

Whereas a draft of the Sikkim Food Security Rules, 2014 was published as required by sub section (1) of section 40 of the National Food Security Act, 2013 (20 of 2013) under the notification of Government of Sikkim in the Department of Food Civil Supplies and Consumers Affairs Department vide Notification No 1074/FCS&CA dated 19/12/2014 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of 30(thirty) days from the date on which the copy of the official gazette containing the said notification was made available to the public;

And whereas the said Gazette was made available to the public on the 19th December, 2014;

And whereas no objections or suggestions have been received from the public on the said draft rules;

Now, therefore in exercise of the powers conferred by sub- section (1) of section 40 of the National Food Security Act, 2013 (20 of 2013), the State Government hereby makes the following rules, namely:-

Short title and commencement: 1. (1) These rules may be called the Sikkim Food Security Rules, 2014.
(2) They shall extend to the whole of Sikkim.(3) They shall come into force on the date of their publication in the Official Gazette.

Definitions: 2. (1) In these rules, unless the context otherwise requires:-
(a) "Act" means the National Food Security Act, 2013.
(b) "Chapter", "Section" and "Schedule" means respectively Chapter, Section of, and Schedule to, the Act.
(c) "Household" means a nuclear family comprising mother, father and their children. Dependent parent, Single women (which means widow, abandoned, separated, divorced women with or without their dependent children) , disabled people with or without

their dependent children, even if they have a common roof or hearth will be treated as a separate household for the purpose of this Act.

Display of the list of eligible households in the Public Domain.

3. (1) On completion of each identification process, the State Government shall display prominently and place in public domain the list of names of persons/ households identified for inclusion in 'Priority' or 'Antodaya' category.
- (2) The list of names of eligible households shall be displayed at the Gram Panchayat/ Ward Office, ration shop prominently.
- (3) The State Government shall also display the list of eligible households on its website on official language of the State Government and the Central Government.

Guidelines for Identification of Eligible Beneficiaries

4. (1) The State Government shall frame and publish via Gazette notification guidelines for identification of households falling in the "priority category" under the Targeted Public Distribution System for the entitlements under sub section 1 of section 3
- (2) The guidelines, if required may provide separate parameter for identification in the rural and urban areas.
- (3) For the purpose of any rules and guidelines framed under rule 4, the process of identification and the inclusion in the priority category shall not be subject to any of the Below Poverty Line/Above Poverty Line list or criteria maintained by the State Government for the purpose of Targeted Public Distribution System prior to the publication of these rules; Provided that the process of identification shall be completed within 6 (six) months from the publication of these rules.
- (4) The designated authority shall issue a ration card within 1 (one) month of the date of receipt of an application after necessary checks and verification

List of eligible households

5. (1) The State Government shall identify the list of eligible households within the number of persons determined under section 9 of the Act for the rural and urban areas in accordance with the guidelines framed under rule 4.
- (2) The State Government shall annually update the list of eligible households within the number of persons determined under section 9 of the Act for the rural and urban areas in accordance with the guidelines framed under rule 4.
Provided that the State Government may take into consideration the socio and economic data captured by the census of India for the purpose of identification of eligible beneficiaries under the Act.

Criteria for 6. selection of beneficiaries Households under Antodaya Anna Yojana and Priority Household.

- (1) Those households being covered under Antodaya Anna Yojana (AAY) shall be considered for inclusion in accordance with the guidelines applicable to the said scheme.
- (2) All economically weaker households not included under sub rule (1) of rule 6, shall be included under Priority Households (PHH) on the following ground:

- (a) the household shall not have any member in the regular service of State Government/ Central Government/ Public Sector Undertaking/ Army etc;
- (b) the household shall not have any retired Government Servant as member of their family;
- (c) the household shall not have any member in the work-charge service in State Government/ Central Government/ Public Sector undertaking etc;
- (d) the household shall not own a taxi or private vehicle in the name of any one of the family member;
- (e) The household shall not own pucca house (Chief Minister's Rural Housing Scheme & REDRH houses are excluded)
- (f) The household shall not be earning house rent more than 10 (ten) thousand.
- (g) the household shall not have any member enlisted as government contractor in class I, IA, II and III categories with sound socio- economic background;
- (h) the household shall not possess more than 2.5 acres of cultivable land or 5 acres of barren land;
- (i) the household shall not have agriculture/floriculture/animal husbandry related commercial ventures earning more than 1.20 lakhs per annum from any other source;
- (j) all selected households shall possess either of the following documents:
 - (i) Sikkim Subject Certificate (SSC);
 - (ii) Certificate of Identification (COI)/Khatiyana Parcha
 - (iii) Voter Identity card issued by the Sikkim Election Department, Government of Sikkim.
 - (iv) Ration card surrender certificate issued by the Food and Civil Supplies Department of the respective State Government, in case the applicant beneficiary is from outside the State:
- (3) The process of identification shall lay that all such persons who do not fulfil the parameters for the exclusion criteria shall automatically be included in the priority category.
- (4) Notwithstanding anything contained in these rules and the NFS Act, and subject to provisions thereof, the State Government may from time to time prescribe criteria for exclusion of households for entitlements under section 3 of the Act.

**Internal
Grievance
Redressal
Mechanism**

7. (1) For redressal of public complaints, an officer of Food, Civil Supplies and Consumers Affairs Department, not below the rank of Under Secretary shall be designated as Nodal officer for receiving complaints under Targeted Public Distribution System. (2) The Nodal officer shall forward the complaints to the District Grievance Redressal Officer or such official dealing with the subject for speedy disposal of the complaint/s. (3) To facilitate the grievance redressal mechanism, the Food, Civil Supplies & Consumer Affairs Department shall put in place

call centres, websites and the help line numbers through the departmental website and other media.

**District
Grievance
Redressal
Officer (DGRO)**

8. (1) The State Government may by notification, appoint/designate any officers, not below the rank of Under Secretary or equivalent as the District Grievance Redressal Officer of the Food, Civil Supplies and Consumer Affairs Department for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to the distribution of entitled foodgrains or meals under chapter II and to enforce the entitlement under the Act.
- The State Government through the Secretary, Food, Civil Supplies & Consumers Affairs Department shall initiate the proposal recommending the name of the officer to be appointed as District Grievance Redressal Officer.

**Powers of
the District
Grievance
Redressal
Officer (DGRO)**

9. The District Grievance Redressal Officers shall, subject to the provision contained under sub section (5) of section 15 of the Act, exercise the following powers, namely:-
- (1) To select the eligible households properly as per the selection criteria prescribed by the State Government, in coordination with the local/urban bodies;
 - (2) To hear the complaints within a reasonable time not later than 30 (thirty) days.
 - (3) To submit the action taken report in time to the appropriate authority within 10 (ten) days from the date of disposal of grievance.

**Manner and
time limit for
hearing complaints**

10. (1) The District Grievance Redressal Officer (DGRO), on receipt of written complaints on non-receipt of entitlements by the eligible beneficiaries shall cause to have an enquiry immediately.
- (2) The District Grievance Redressal Officer (DGRO) shall fix up a date for hearing within a period of 30 (thirty) days for cases not resolved that need hearing with the aggrieved party, in his/her office chamber, for the redressal of the grievance.

**STATE FOOD
COMMISSION:**

11. (1) The State Commission for Protection of Child Rights constituted by the State Government shall perform the functions assigned to it under sub-section (5) of section 16 of the Act.

**Office of the
State Food
Commission**

12. (1) The office of the Secretary, Food Civil Supplies and Consumer's Affairs Department, Government of Sikkim, shall provide necessary secretarial assistance to the State Food Commission.
- (2) The head quarter of the Commission shall be located at Gangtok, East Sikkim

- Procedure to be followed by the Commission**
13. (1) Subject to the provisions in the Act and the rules made thereunder, the Commission shall have the powers to formulate its own procedure;
- (2) all orders and decision shall be authenticated by the Member Secretary or any other officers of the commission duly authorized by the commission on its behalf;
- (3) The Member Secretary shall act as the Chief Executive Officer of the Commission and shall exercise such powers and functions as delegated to it by the Commission.
- (4) The Chairperson of the Commission may direct the Member Secretary to call the meeting of the Commission which may be held from time to time as the Chairperson may direct. Any member of the Commission may request for the meeting of the Commission by submitting a written notice to the Chairperson.
- (5) In case of difference of opinion amongst the members of the Commission, the opinion of the majority shall prevail through the process of ballot by each member.
- (6) All directives, decision and orders of the Commission shall be given in writing with proper justifications. The directives, decision and orders of the Commission shall be made available to the applicant in the manner as the Commission may specify.
- Salary and allowances**
14. (1) The salary and allowances of the Chairperson and the Members shall be as follows, namely:-
- (a) The Chairperson of the Commission shall be paid with an honorarium of Rs 1500/- per sitting of the Commission.
- (b) The member of the Commission shall be paid with an honorarium of Rs 1000/- per sitting of the Commission.
- Disclosure of record of Targeted Public Distribution System**
15. (1) The records relating to the stock and allocation of foodgrains and other essential commodities of the food godowns of the State, shall be uploaded in the national portal/ departmental website within 2 (two) days of the issue of allocation order.
- (2) The food godownincharge shall maintain proper accounts relating to distribution of foodgrains and other commodities on day to day basis and the accounts shall be readily available for inspection of the local authorities/ departmental authorities and authorized persons/bodies etc as and when necessary.
- (3) The food godownincharge shall not deal with direct cash transaction with any individuals or fair price shop. The official shall maintain proper record of Bank receipts and drafts realized on account of sale proceeds which shall be available for inspection by any authorized persons.
- (4) Computerization of the Targeted Public Distribution System shall be undertaken for maintaining transparency in the supply chain management system of foodgrains and other essential commodities.
- (5) All the information relating to the Targeted Public Distribution System shall be hosted timely in the national and state portal. (6) The Nodal officer appointed under Section 14 of the Act, shall disseminate to all concerned on time to time basis through the media and other

electronic modes of the day to day transaction by the department including such policy decision of the Government in regard to the implementation of schemes under Targeted Public Distribution System.

**Conduct of
Social Audit**

16. (1) The Department shall at regular intervals conduct Social Audit in the Fair Price Shops of the book of accounts and other related register maintained by the vendor.
- (2) The members of the Block Level Vigilance Committee shall be included as a part of social audit along with any interested stake holders at the time of social audit.
- (3) The social audit report shall be examined by the District Civil Supplies Officers who shall take appropriate measures as may be necessary to bring in competency in the accounting process in the fair price shops.
- (4) In case of any actions found to have taken contrary to the interest of the beneficiaries at the time of social audit shall be brought forthwith to the notice of the District Food and Civil Supplies Officer, for taking action as per the relevant law.

**Composition
of Vigilance
Committee:**

17. (1) Subject to the provision contained under the Act and the rules made there under, the State Government shall by notification constitute three tiers Vigilance Committee in the State.
- (2) The three tier Vigilance Committee, so constituted, shall be at the State level, District Level and Block Level.
- (3) The composition of the Vigilance Committee shall be such as may be notified by the State Government in the official gazette.

**Utilization of
Institutional
Mechanism for
other purposes**

18. The State Government may, at any time if so desires, utilize the service of the Commission established under the Act for any other beneficial purposes in the interest of the State Government.

**Removal of
doubts**

19. If any doubt arises with regard to the interpretation of any provision of these rules, it shall be referred to the Food, Civil Supplies and Consumers Affairs Department, Government of Sikkim, whose decision shall be binding.

**D.P.SHARMA, IAS
SECRETARY,
FCS&CA DEPARTMENT,
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File No . GOS 7 (45) FCS&CA/ 2014**